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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**

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8 DAVID COBABE,)

9 Plaintiff,)

10 vs.)

11 JOHN VELLA, and/or his successor,)
12 individually, and in his official capacity as)
13 CEO OF EMC MORTGAGE)
14 CORPORATION, an ens legis being used to)
15 conceal fraud, JERRY CRAIG, and/his)
16 successor individually, and in his official)
17 capacity as PRES. OF SPECTRUM)
18 FINANCIAL GROUP, INC., an ens legis being)
19 used to conceal fraud, R.K. ARNOLD and/or)
20 his successor, individually, and in his official)
21 capacity as PRES/CEO of MORTGAGE)
22 ELECTRONIC.)

23 Defendants.)
24)
25)
26)

2:10-CV-00842-PMP-LRL

ORDER

20 Before the Court for consideration is Defendants' Motion to Dismiss
21 Plaintiff's Complaint (Doc. #5), filed on June 14, 2010. On July 19, 2010, Plaintiff
22 filed a Motion to Strike Defendants' Motion to Dismiss (Doc. #15), and a document
23 titled "Judicial Notice" (Doc. #16). On July 27, 2010, Defendants' filed a Response
24 in Opposition to Plaintiff's Motion to Strike (Doc. #17), a Reply Memorandum in
25 Support of Defendants' Motion to Dismiss (Doc. #18).

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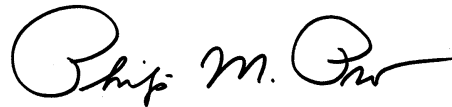
1 Having read and considered the foregoing, the Court finds that Plaintiff's
2 motion to strike must be denied. As noted in Defendants' opposition to Plaintiff's
3 motion to strike it is not supported by a memorandum of points and authorities
4 and indeed is factually deficient.

5 The Court further finds that Plaintiff's Complaint must be dismissed
6 against Defendants' EMC, MERS, John Vella and R.K. Arnold, for the reasons set
7 forth in Defendants' motion (Doc. #5) and reply memorandum. Plaintiff has failed
8 to make any cognizable argument as to why the basis asserted by Defendants for
9 dismissal are in any way infirmed.

10 **IT IS THEREFORE ORDERED that** Plaintiff's Motion to Strike
11 Defendants' Motion to Dismiss (Doc. #15) is **DENIED**.

12 **IT IS FURTHER ORDERED that** Defendants' Motion to Dismiss
13 Plaintiff's Complaint (Doc. #5) is **GRANTED** and the Clerk of Court shall forthwith
14 enter judgment in favor of Defendants EMC Mortgage, Mortgage Electronic
15 Registration Systems, Inc., John Vella and R.K. Arnold, and against Plaintiff David
16 Cobabe.

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18 DATED: August 2, 2010.

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PHILIP M. PRO
21 United States District Judge
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